

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

DONALD J. TRUMP FOR PRESIDENT,
INC., REPUBLICAN NATIONAL
COMMITTEE, NEW JERSEY
REPUBLICAN STATE COMMITTEE,

Plaintiffs,

v.

TAHESHA WAY, in her official capacity
as Secretary of State of New Jersey,

Defendant.

No. 3:20-cv-10753-MAS-ZNQ

**DECLARATION OF DOUGLAS J.
STEINHARDT**

I, Douglas J. Steinhardt, declare:

1. I am the Chairman of the New Jersey Republican State Committee (“NJGOP”). I am over the age of eighteen and I have personal knowledge of the following facts. If called as a witness, I could and would competently testify thereto.

2. NJGOP is a plaintiff in this action and a political party in New Jersey. NJGOP’s principal place of business is at 150 West State Street, Suite 230, Trenton, NJ 08608. NJGOP represents over 1.39 million registered Republican voters in New Jersey as of August 1, 2020.

3. NJGOP spends resources, including hiring campaign staff in New Jersey, to encourage New Jerseyans to reelect the President, elect Republican members of Congress, and elect Republican members of the state Legislature. NJGOP spends significant sums of money in New Jersey to further those interests.

4. Election Day Operations are a critical part of the NJGOP’s election strategy. Election Day Operations include hiring poll watchers to observe voting and to observe the counting of ballots on Election Day. Poll watchers are also needed to observe counting by-mail ballots on

Election Day and the two following days to confirm whether they were postmarked on or before Election Day.

5. Before Election Day, NJGOP also reaches out to Republican voters by calling them, knocking on their doors, and sending them mail to educate them about how to vote, to encourage them to vote, and to answer any questions they may have about the election. This voter contact is central to NJGOP's mission of electing Republicans to office. And the most important time to engage in voter contact is in the days leading up to Election Day.

6. Changes to New Jersey election laws require NJGOP to change how it allocates its resources and the time and efforts of its campaign staff, to achieve its electoral and political goals.

7. A4475 changed New Jersey's election laws in at least two ways that have affected NJGOP and how it allocates its finite resources. First, A4475 now allows election officials to begin counting mail-in ballots ten days before Election Day. Second, A4475 now allows election officials to count "[e]very ballot without a postmark, and ballots mis-marked and confirmed by the post office that those ballots were received by the post office on or before November 3, 2020."

8. These changes have the effect of extending Election Day both forward and backward. As a result, NJGOP must change its Election Day Operations because of A4475.

9. In particular, A4475 will force NJGOP to divert its resources in response to A4475's changes. In a normal election, ballot counting does not begin until Election Day so poll watchers are only needed starting on that day.

10. Because of A4475, however, NJGOP will have to hire far more poll watchers than it otherwise would for this election to be at the polls ten days before Election Day to monitor the counting of mail-in ballots. This will require NJGOP to divert its volunteer and paid resources

from its voter contact activities to poll watching during the most important time period for voter contact, which will undermine NJGOP's ability to encourage Republicans to vote in the election.

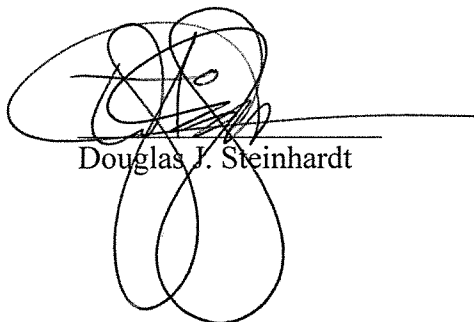
11. Moreover, under the new regime that A4475 has created, NJGOP must monitor when election officials contact the post office to determine whether ballots that have been "mis-marked" were actually received by the post office on or before Election Day. This requires NJGOP to divert resources to train its poll watchers on what ballots are valid, and, more importantly, when and how the post office can confirm when a ballot has been mailed.

12. To accomplish this, NJGOP will need to divert some of its paid resources from its voter contact efforts to train poll watchers on how the "mis-marked" ballot process works, what election officials can legally do to count a "mis-marked" ballot, and the process for challenging election officials' decisions on this new issue.

13. Because NJGOP's resources are finite, it can expend resources responding to A4475 only by diverting them from the pursuit of its mission in other areas.

Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed September 28, 2020


Douglas J. Steinhardt